

Water Rights Administration in Times of Drought



presented by

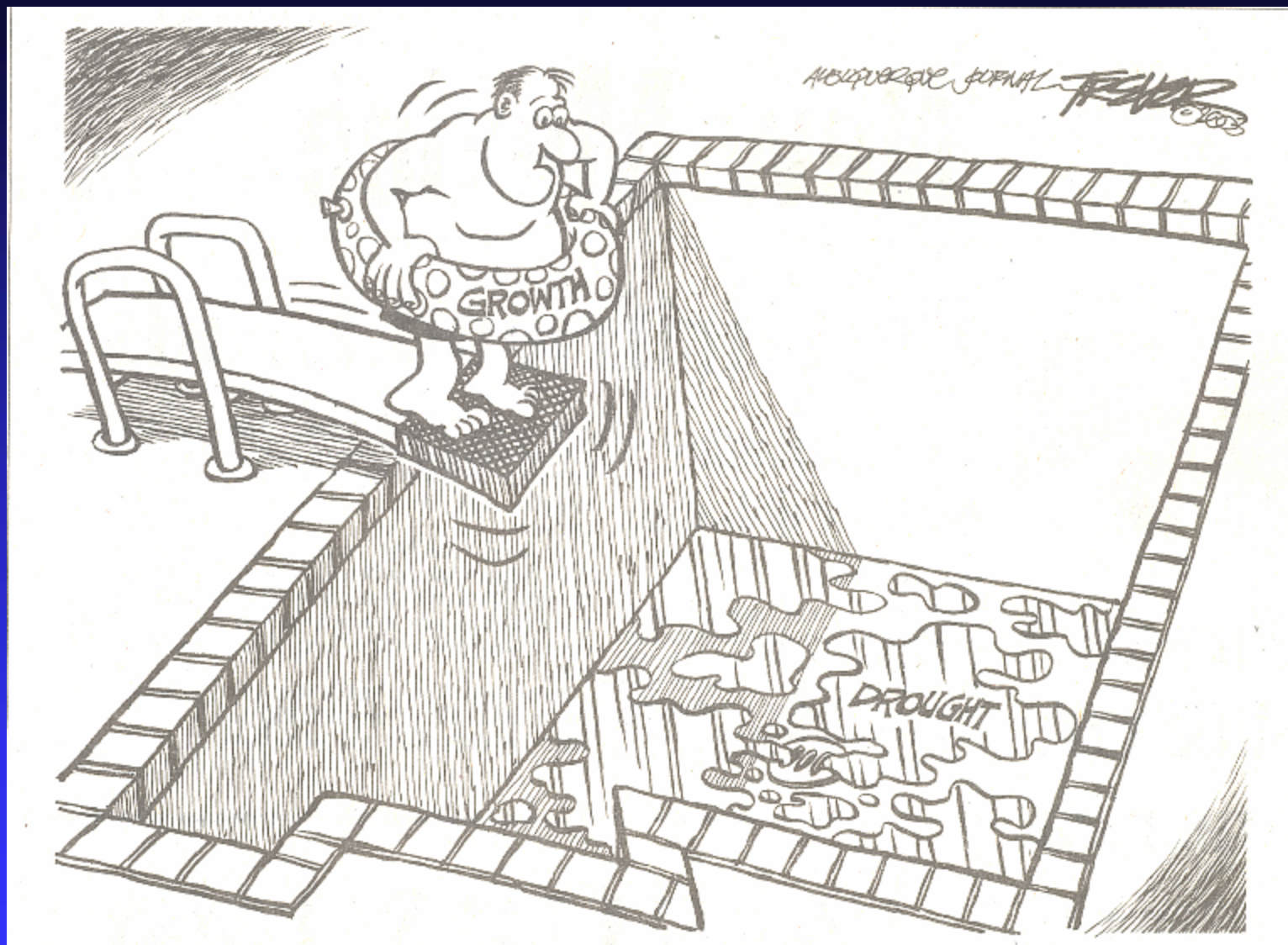
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Blue Ribbon Task Force – 2/26/04







New Mexico Water Law: Doctrine of Prior Appropriation

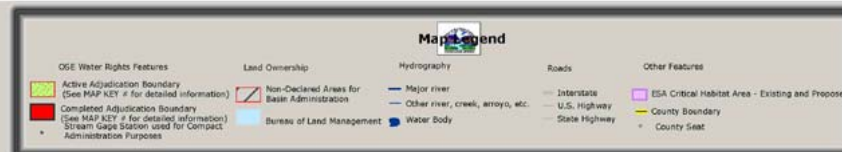
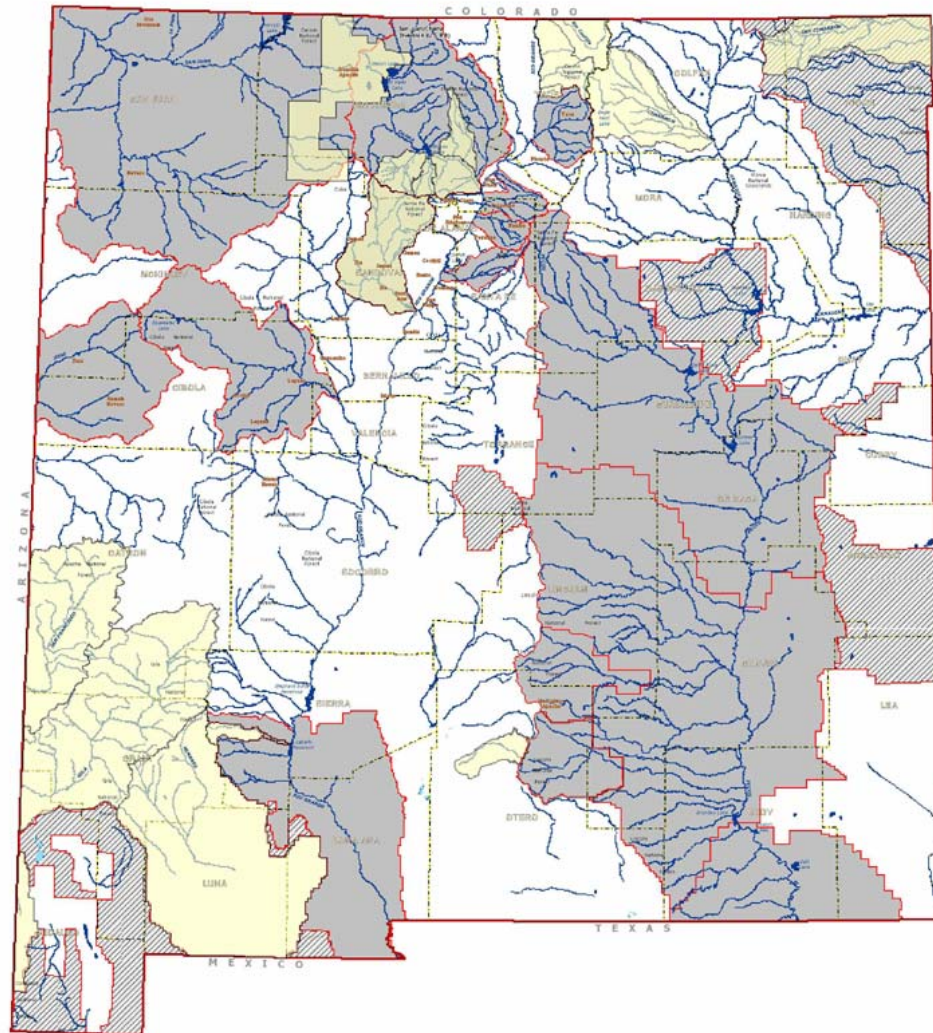


Article XVI, Section 2

- “The unappropriated water of every natural stream, perennial or torrential, within the State of New Mexico, is hereby declared to belong to the public and to be subject to appropriation for beneficial use, in accordance with the laws of the state.”
- “Priority of appropriation shall give the better right.”

ACTIVE WATER RESOURCE MANAGEMENT IN NEW MEXICO

COMPLETED AND ACTIVE WATER RIGHTS ADJUDICATION WORK



Water Masters

Cimarron River

- only river system with full priority administration
- administered through a water master who physically distributes water in accordance with available supply

Cimarron River



Water Masters

Rio Costilla

- administered in accordance with the Costilla Creek Compact
- priority dates of diverters is the basis for the detail within the Costilla Creek Compact

Rio Costilla



Water Masters

Rio Chama

- is administered on a priority call basis when total water supply is not satisfactory to meet the diversion needs of the ditches

Rio Chama



Water Masters

Rio Jemez

- is administered based on available water supply, flow in the river in a semi-priority administration and a rotational basis

Water Masters

Animas River

- in times of water supply shortage the ditches agree to rotation of diversions

Water Masters

San Juan River

- shortage sharing agreement between all water users and the Navajo Nation

Water Masters

Pecos River

- is evaluated constantly to ensure compliance with the Pecos River Compact.

Priority Administration

Other options:

- shortage sharing
- rotation
- other agreements
- water banking

Critical Situation

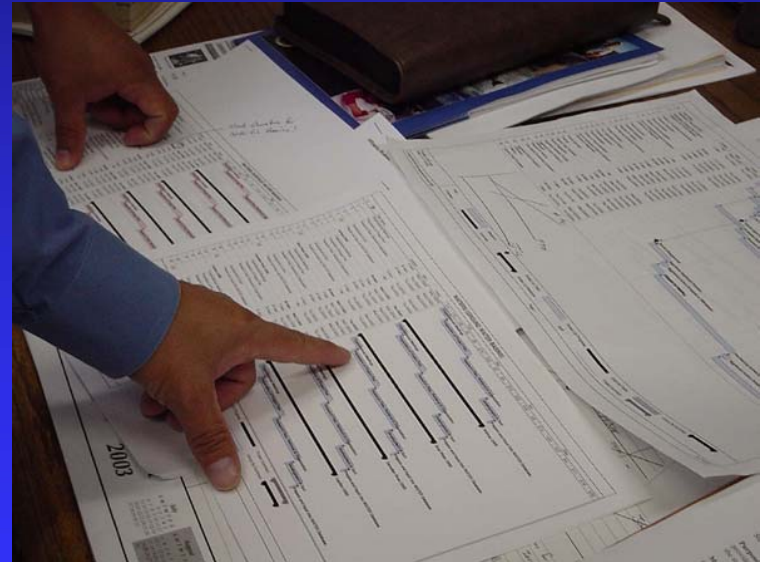


Costilla Reservoir



Rio Grande

Administrative Dilemma



Section 72-3

- **State Engineer always had authority to create special water districts and to provide water masters**
- **law was seldom used**

Pecos Water Master



Section 72-3

- provides a means for funding of water masters
- provides budgets of water use to the county or counties involved
- counties would place water users on their tax rolls for the purpose of water master administration

Senate Bill 551

- allows the State Engineer to provide water masters to specific rivers
- allows for priority administration without adjudication

Senate Bill 551

- bill is now section 72-2-9.1
- allows the State Engineer to
“administer water allocations
in accordance with the water
right priorities recorded with,
or declared, or otherwise
available to the State
Engineer”

Senate Bill 551

- **State Engineer can adopt rules for priority administration with three conditions:**
 - 1) not to interfere with future or pending adjudications**

Senate Bill 551

- **State Engineer can adopt rules for priority administration with three conditions:**
 - 2) create no impairment of water rights other than what is required to enforce priorities**

Senate Bill 551

- State Engineer can adopt rules for priority administration with three conditions:
 - 3) no increase in depletions

Active Water Resource Management

- framework must be applicable
throughout the state

Active Water Resource Management

**What are the priority areas
around the state?**

Priority Areas

- San Juan River Basin
- Rio Gallinas Basin
- Rio Chama Basin
- Rio Pojoaque Basin

San Juan Basin

- experiencing water shortage
- shortage-sharing agreements
- Active Water Resource Management may be necessary by fall of 2004

San Juan Basin



Rio Gallinas Basin

- Las Vegas, Rio Gallinas acequias, and Storrie Project Water Users are discussing division of water
- administrative rules, regulations, and water master discussions taking place

Rio Gallinas Basin

- Active Water Resource Management may be necessary by the fall of 2004

Rio Gallinas Basin



Rio Chama Basin

- administration of the Rio Chama acequias below Abiquiu Dam and releases and delivery of San Juan-Chama water downstream
- entire Rio Chama including area above Abiquiu would need to be administered

Rio Chama Basin



Rio Pojoaque Basin

- Aamodt lawsuit area
- water master program
will likely be part of a
settlement agreement

Active Water Resource Management

- contractor team hired
- huge responsibility above and beyond our day-to-day activities
- will support efforts of each basin, but will not direct administration

Active Water Resource Management

**What is the plan as we
move forward?**

Active Water Resource Management

- selected basin managers
- develop and implement a schedule for water master rules and regulations
- establish a budget

Active Water Resource Management

- create a plan for communicating with the public
- hire water masters
- provide training

Active Water Resource Management

- administer water in each individual basin
- identify the level of administration that can be implemented – short-term/long-term objectives

Active Water Resource Management

- The State Engineer hopes that the drought will break
- We are committed to provide active administration and an on-the-ground presence on all of New Mexico's river

Active Water Resource Management

- will evolve into a statewide program to provide services during drought cycles, and during wet cycles

Office of the State Engineer



Interstate Stream Commission

